

REMARKS

Claims 1-7 and 21-43 are pending in the present application. Claims 1, 37, and 41 are the only independent claims.

In the Office Action, claims 1-7 and 21-43 are rejected under 35 U.S.C. 102(a) as anticipated by JP 2001-091736 ("Kusumoto").

As a preliminary, withdrawal of the finality of the Office Action is respectfully requested for the reasons stated in the Request for Reconsideration filed on March 18, 2005, which have not been addressed in the Advisory Action dated April 7, 2005. Namely, the rejection could have been made in a previous Office Action but for the USPTO error in entering an inexistent priority claim, and making the rejection over Kusumoto final in this Office Action deprives the applicants of a fair opportunity to address the rejection.

Further, reconsideration and withdrawal of the rejection is again respectfully requested. As indicated in the Request for Reconsideration filed on March 18, 2005, JP 2001-091736 ("Kusumoto") is the Japanese application publication of the prior application JP 11-265412 filed on September 20, 1999 by the same inventors named in the present application, and published on April 6, 2001. The prior Japanese application is listed in the Declaration in the present application.

A Declaration under Rule 1.132 is submitted with this paper, in which the present inventors confirm that, in spite of the inaccurate English transliteration in an English abstract, the present inventors are the inventors listed in the Kusumoto Japanese publication, and the subject matter related to the present invention disclosed in Kusumoto is the disclosure of their own work and was obtained from them.

As a result, Kusumoto is not available as prior art under 35 U.S.C. 102(a).

In view of the above, it is submitted that the rejection should be withdrawn.


In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,

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